

Notice of Allowability

Application No.

10/076,978

Examiner

Ryan M Flandro

Applicant(s)

SAX ET AL.

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's Amendment submitted 3/9/2004.
2. ☒ The allowed claim(s) is/are 1-16, 19, 21-31, 33-41 and 43.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>20040727</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S COMMENT

Drawings

1. The drawings filed on 9/12/2003 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftsperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Yonghong Chen on 8/20/04.

The application has been amended as follows:

- **Claim 1.** In line 1, replaced "a" after "constructing" with --the--, and inserted --set forth in claim 28-- after "fence".
- **Claim 16.**
 - In line 17, inserted --wherein, when-- after the semi-colon;
 - In line 18, replaced "being" with --are--;
 - In line 19, inserted --,(a comma) after "ratcheting posts" and deleted "compressing";

Art Unit: 3679

- In line 20, inserted --are compressed-- after “coating” and before the period.
- **Claim 35.**
 - In lines 4 and 10, deleted the word “permanent”;
 - In line 18, inserted --wherein, when-- after the semi-colon;
 - In line 19, replaced “being” with --are--;
 - In line 20, inserted --,(a comma) after “ratcheting posts” and deleted “compressing”;
 - In line 21, inserted --are compressed-- after “coating” and before the period.
- **Claim 36.** In line 2, inserted --as set forth in claim 39-- after “characteristics”.
- **Claim 38.**
 - In line 17, inserted --wherein, when-- after the semi-colon;
 - In line 18, replaced “being” with --are--;
 - In line 19, inserted --,(a comma) after “tensioning posts” and deleted “compressing”;
 - In line 20, inserted --are compressed-- after “coating” and before the period.
- **Claim 39.**
 - In lines 4 and 10, deleted the word “permanent”;
 - In line 17, inserted --wherein, when-- after the semi-colon;
 - In line 18, replaced “being” with --are--;
 - In line 19, inserted --,(a comma) after “tensioning posts” and deleted “compressing”;
 - In line 20, inserted --are compressed-- after “coating” and before the period.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: the prior art, including Bunch, Miller, and Waggoner, either alone or in combination, fails to disclose a product or method wherein high tension tensile wires compress a fence coating together with said wire lath. The method claims 1 and 36, and their dependents, are indicated as allowable because, by the amendment herein, they include all the limitations of allowed product claims 28 and 39, respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan M Flandro whose telephone number is (703) 305-6952. The examiner can normally be reached on 8:30am - 5:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMF
RMF
AUGUST 24, 2004

~~John Cottingham
Primary Patent Examiner
Technology Center 3670~~

Daniel P. Stodola

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600